

**UNITED STATES DISTRICT COURT
IN THE WESTERN DISTRICT OF NORTH CAROLINA**

CIVIL ACTION NUMBER: 5:06-CV-356-FL

| | | |
|-------------------------------|---|--|
| KATHY POWERS, |) | |
| |) | |
| PLAINTIFF, |) | |
| |) | |
| v. |) | |
| |) | |
| INTERNATIONAL BUSINESS |) | |
| MACHINES CORPORATION, |) | |
| |) | |
| DEFENDANT. |) | |
| _____ |) | |

**CONSENT MOTION TO AMEND COMPLAINT AND
ADD ADDITIONAL DEFENDANTS**

NOW COMES Plaintiff pursuant to the provisions of Rule 15(a) and 19 of the Federal Rules of Civil Procedure and moves this Court for an Order allowing the amendment of the Complaint and the addition of the IBM Personal Pension Plan and Kenneth J. Morrissey as Plan Administrator of the IBM Personal Pension Plan as Defendants in this action.

In support of this Motion, Plaintiff shows unto the Court that this Motion is timely filed and consented to by Defendant International Business Machines Corporation.

A copy of the proposed Amended Complaint is attached hereto.

WHEREFORE, Plaintiff prays of the Court for an Order allowing amendment of the Complaint.

This the 24th day of January, 2007.

GLENN, MILLS & FISHER, P.A.

/s/ Stewart W. Fisher
Stewart W. Fisher (N.C. State Bar # 10327)
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Attorney for Plaintiff

We consent:

/s/ Kristen G. Lingo
Kristen G. Lingo (N.C. State Bar #19938)
Michael t. Medford (N.C. State Bar # 7227)
Manning, Fulton & Skinner, P.A.
3605 Glenwood Avenue, Suite 500
P.O. Box 20389
Raleigh, North Carolina 27619-0389

Attorneys for Defendant

CERTIFICATE OF SERVICE

I HEREBY CERTIFY, this the 24th day of January, 2007 that a copy of the foregoing **Motion to Amend Complaint and Add Additional Defendants** was duly served by electronic delivery through the U. S. Eastern District For the Eastern District of North Carolina Electronic Case Management system upon the following:.

Michael T. Medford
Kristen G. Lingo
Manning, Fulton & Skinner, P.A.
3605 Glenwood Avenue, Suite 500
P.O. Box 20389
Raleigh, North Carolina 27619-0389

This the 24th day of January, 2007

/s/Stewart W. Fisher
Stewart W. Fisher